

**AMENDMENT UNDER 37 C.F.R. § 1.116**

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Claims 1-56 (Cancelled)**

**Claim 57 (Previously Presented)** An isolated DNA sequence encoding a truncated insecticidal Cry2Ae protein consisting of the amino acid sequence of the protein of SEQ ID NO: 2 from amino acid position 1 to an amino acid position between amino acid position 625 and amino acid position 632.

**Claims 58-62 (Cancelled)**

**Claim 63 (Previously Presented)** A chimeric gene comprising the DNA sequence of claim 57, wherein said DNA sequence is under the control of a promoter which can direct expression of the gene in a plant cell.

**Claim 64 (Previously Presented)** The chimeric gene of claim 63, further comprising a DNA encoding a targeting or transit peptide which is operably-linked to said DNA encoding said Cry2Ae protein, wherein said targeting or transit peptide is a peptide targeting to the vacuole, mitochondrion, chloroplast, plastid, or for secretion.

**Claim 65 (Previously Presented)** A plant cell, plant or seed transformed to comprise the chimeric gene of claim 63.

**Claim 66 (Previously Presented)** A plant cell, plant or seed transformed to comprise the chimeric gene of claim 64.

**Claim 67 (Previously Presented)** The plant cell, plant or seed of claim 65, wherein said cell, plant or seed are of corn, cotton, rice, tobacco, oilseed rape, *Brassica* species, eggplant, soybean, potato, sunflower, tomato, sugarcane, tea, beans, strawberry, clover, cucumber, watermelon, pepper, oat, barley, wheat, dahlia, gladiolus, chrysanthemum, sugarbeet, sorghum, alfalfa, or peanut.

**Claim 68** (Previously Presented) The plant cell, plant or seed of claim 66, wherein said cell, plant or seed are of corn, cotton, rice, tobacco, oilseed rape, *Brassica* species, eggplant, soybean, potato, sunflower, tomato, sugarcane, tea, beans, strawberry, clover, cucumber, watermelon, pepper, oat, barley, wheat, dahlia, gladiolus, chrysanthemum, sugarbeet, sorghum, alfalfa, or peanut.

**Claim 69** (Previously Presented) A process for rendering a plant resistant to an insect, wherein said method comprises transforming plant cells with the chimeric gene of claim 63, and regenerating transformed plants from such cells.

**Claim 70** (Cancelled)

**Claim 71** (Currently Amended) A chimeric gene comprising the following operably-linked elements:

- (a) a promoter region which is a DNA sequence from the Cauliflower Mosaic Virus 35S promoter;
- (b) a DNA from the leader sequence of the chlorophyll a/b binding protein gene from Petunia;
- (c) a DNA encoding the TpssuAT transit peptide;
- (d) the DNA of ~~claims 57 or 58~~ claim 57; and
- (e) a 3' transcript termination and polyadenylation region which is a DNA sequence from the 3' transcript termination and polyadenylation region of the Cauliflower Mosaic Virus 35S gene.

**Claims 72-73** (Cancelled)

**Claim 74** (Previously Presented) The chimeric gene of claim 63, wherein said promoter is a promoter whose expression in plants is inducible by insect feeding.

**Claim 75** (Cancelled)

**Claim 76** (Previously Presented) A process for rendering a plant resistant to an insect, comprising transforming plant cells with the chimeric gene of claim 71 or 74, and regenerating transformed plants from such cells which are resistant to insects.

**Claim 77** (Currently Amended) A method for controlling insects comprising expressing in transformed plant cells an insecticidally-effective amount of said truncated insecticidal Cry2Ae protein encoded by the DNA of ~~any one of claims 57 or 58~~ claim 57, to control *Heliothis virescens*, *Helicoverpa zea*, *Helicoverpa armigera*, *Anticarsia gemmatalis* and *Ostrinia nubilalis*, *Chilo suppressalis*, *Chilo partellus*, *Scirpophaga incertulas*, *Sesamia inferens*, *Cnaphalocrocis medinalis*, *Marasmia patnalis*, *Marasmia exigua*, *Marasmia ruralis*, or *Scirpophaga innotata*.

**Claim 78** (Cancelled)

**Claim 79** (Previously Presented) An isolated DNA sequence encoding a truncated insecticidal Cry2Ae protein consisting of the amino acid sequence of the protein of SEQ ID NO: 2 comprising a C-terminal deletion up to amino acid position 625.

**Claim 80** (Cancelled)

**Claim 81** (Previously Presented) An isolated DNA sequence encoding a truncated insecticidal Cry2Ae protein consisting of the amino acid sequence of the protein of SEQ ID NO: 2 comprising an N-terminal deletion up to amino acid position 50 and a C-terminal deletion up to amino acid position 625.

**Claim 82-84** (Cancelled)

**Claim 85** (Previously Presented) A chimeric gene comprising the following operably-linked elements:

- (a) a promoter region which is a DNA sequence from the Cauliflower Mosaic Virus 35S promoter;
- (b) a DNA encoding the TpssuAt transit peptide;
- (c) a DNA encoding the amino acid sequence of the protein of SEQ ID NO: 2 from an amino acid position between amino acid position 1 and amino acid position 50 to amino acid position 632; and
- (d) a 3' transcript termination and polyadenylation region which is a DNA sequence of the 3' transcript termination and polyadenylation region of the Cauliflower Mosaic Virus 35S gene.

**Claim 86** (Previously Presented) The chimeric gene of claim 85, wherein the DNA encoding the amino acid sequence of the protein of SEQ ID NO: 2 from an amino acid position between amino acid position 1 and amino acid position 50 to amino acid position 632 is the coding region of SEQ ID NO: 7, and wherein said TpssuAt transit peptide is inserted at the 5' end of said coding region.